

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

WILLIAM SZYMCAK, STEFAN SCHUELE,  
KIM DREHER, MARIO LOPEZ, MELANIE  
RIVERA, KATRINA BOYD,  
ANGELA GREATHOUSE,  
CORNELIUS JACKSON, DAVID  
SIMONS, LOLITA DILLARD, and  
ANNE STEWART, individually and  
on behalf of others similarly situated,

Plaintiffs,

-against-

NISSAN NORTH AMERICA, INC.,  
and NISSAN MOTOR CO., LTD.,

Defendants.

Civil Action Number:  
10-CV-07493(VB)

**NOTICE OF  
MOTION**

**Document Filed  
Electronically**


**PLEASE TAKE NOTICE** that, upon the annexed affirmation of S. Vance Wittie, sworn to this 2nd day of March 2012, and the accompanying Memorandum of Law, Defendant, NISSAN NORTH AMERICA, INC. (“NNA”), by its counsel will move this Court before the Honorable Vincent Bricetti, at the United States Courthouse at 300 Quarropas Street, White Plains, NY 10601-4150, on a date and time to be determined by the Court, for an Order, pursuant to Federal Rule of Civil Procedure 12(f), to strike paragraphs from Plaintiffs’ Second Amended Complaint because the paragraphs contain claims already dismissed with prejudice by this Court or, alternatively, for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss paragraphs 104-113, 114-123, 165, 177-182 from Plaintiffs’ Second Amended Complaint for failure to state a cause of action, together with such other and further relief as to this Court may seem just and proper.



**PLEASE TAKE FURTHER NOTICE** that, answering affidavits and/or memoranda are to be served upon the undersigned in accordance with Local Rule 6.1(b).

Dated: Dallas, Texas  
March 2, 2012

Yours, etc.,

By:   
E. Paul Cauley, Jr. (admitted *pro hac vice*)  
TX Bar No. 04018900  
S. Vance Witte (admitted *pro hac vice*)  
TX Bar No. 21832980  
Nina S. McDonald (admitted *pro hac vice*)  
TX Bar No. 24056282  
SEDGWICK LLP  
1717 Main Street, Suite 5400  
Dallas, TX 75201  
(469) 227-8200

David M. Covey (DMC-3729)  
Soo Y. Kim (SK-5885)  
SEDGWICK LLP  
125 Broad Street, 39th Floor  
New York, NY 10004  
Telephone: (212) 422-0202

*Attorneys for Defendant Nissan North America, Inc.*